IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2360 OF 2005

Jageshwar Prasad Yadav ... Petitioner

Versus

The Municipal Corporation of

Greater Mumbai & Ors. ... Respondents

Mr.R.R.Mishra for the petitioner.

Mr. Milind More,AGP, for Respondent No.3.

Mr. Niranjan Lapashiya i/b Niranjan & Co. for Respondent No.4.

CORAM: S.K.SHAH,J.

DATE : 3rd October,2005.

P.C.

1. The learned Counsel for the Respondent No.4 submits that the Petitioner has not acted as undertaken before this Court on 29.9.2005.

2. The learned Counsel for the Petitioner states that the Petitioner is not interested in the transit

accommodation and he would accept the rent and hand over the vacant possession. This is totally uncalled for. At this stage, the learned Counsel for the Respondent No.4 submits that the Petitioner has taken possession of the transit accommodation and produces the letter dated 1.10.2005, copy of which is taken on record.

3. In view of the undertaking given earlier, at any rate, the Petition is not entertainable.

The Petition is dismissed.

4. The Authorities are directed to take possession of the Hut No.56 from the Petitioner forthwith and if necessary with the help of police and hand it over to the Respondent No.4.

(S.K.SHAH,J.)